

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
and	)	
	)	
STATE OF OHIO	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
THE BOARD OF COUNTY	)	Civil Action Nos. C-1-02-107 and 108
COMMISSIONERS, HAMILTON	)	
COUNTY, OHIO,	)	Judge S. Arthur Spiegel
	)	
and	)	
	)	
THE CITY OF CINCINNATI, OHIO,	)	NOTICE OF SUBMISSION OF
	)	CONSENT DECREE
Defendants.	)	
_____	)	

Consistent with this Court's Order, dated September 4, 2003, the United States (on behalf of the United States, State of Ohio, ORSANCO, and the Defendants in this matter) is submitting a final draft proposed Consent Decree on Combined Sewer Overflows, Wastewater Treatment Plants and Implementation of Capacity Assurance Program Plan ("draft Consent Decree"). Consistent with this Court's Order, the United States is also providing a copy of this draft Consent Decree to counsel for Intervenor Sierra Club and Marilyn Wall for their review.

This draft Consent Decree is being submitted to the Court prior to signature by the Parties because defendant Board of County Commissioners, Hamilton County, Ohio must subject the draft Consent Decree to public review before it signs the decree. After approval and signature by all Parties to the Consent Decree, the final Consent Decree will be lodged with this Court to

receive public notice and comment in accordance with the requirements of 28 C.F.R. § 50.7.

Consistent with this Court's Order, it is currently the parties intent to lodge the final Consent Decree on or before December 4, 2003.

The draft Consent Decree (when lodged) and the Interim Partial Consent Decree on Sanitary Sewer Overflows (SSOs) that was lodged in this case on February 15, 2002, taken together, comprise the Parties' comprehensive proposed resolution of the claims asserted in the United States' and State's SSO complaints filed in this matter on February 15, 2002, and the claims concerning SSOs, CSOs, and wastewater treatment plants that will be asserted by the United States, State, and ORSANCO in a Joint Amended Complaint to be filed concurrently with the lodging of the final Consent Decree.

After the final Consent Decree has been lodged, the requisite Federal Register Notice is published, the time period for comments has run, and the comments, if any, have been evaluated, the United States will advise the Court as to any action which may be required by the Court at that time. Assuming that the public comments received on the Consent Decree do not disclose facts that indicate that the proposed Consent Decree is inappropriate, improper, or inadequate, the United States anticipates that it would file one Motion for Entry, requesting entry of both the Interim Partial Consent Decree on Sanitary Sewer Overflows and the Consent Decree on Combined Sewer Overflows, Wastewater Treatment Plants and Implementation of Capacity Assurance Program Plan.

Respectfully submitted,

THOMAS L. SANSONETTI  
Assistant Attorney General  
Environment and Natural Resources Division  
United States Department of Justice  
Washington, D.C. 20530

S/  
LESLIE ALLEN  
Senior Attorney  
Environmental Enforcement Section  
Environment and Natural Resources Division  
United States Department of Justice  
P.O. Box 7611  
Washington, D.C. 20044-7611  
(202) 514-4114

GREGORY G. LOCKHART  
United States Attorney  
for the Southern District of Ohio

By: S/  
DONETTA D. WIETHE (0028212)  
Assistant United States Attorney  
221 East Fourth Street  
Atrium II, Suite 400  
Cincinnati, Ohio 45202  
513-684-3711

OF COUNSEL:

Gary Prichard  
Associate Regional Counsel  
U.S. EPA, Region 5 (C-14J)  
77 West Jackson Blvd.  
Chicago, IL 60604-3590

Andrew Stewart  
Attorney-Advisor  
U.S. EPA, Office of Enforcement and  
Compliance Assurance  
Ariel Rios Building (2243A)  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **NOTICE OF SUBMISSION OF CONSENT DECREE (WITH EXHIBITS)** was served on this 7<sup>th</sup> day of October, 2003, electronically on: Margaret A. Malone; and by regular U.S. Mail on: D. David Altman, Esq., Lance D. Himes, Esq., and Amy Jo Leonard, Esq., at D. David Altman Co., LPA, 15 East Eighth Street, Suite 200W, Cincinnati, OH 45202; Christopher J. Buckley, Esq, and Peter P. Murphy, Esq. at Gibson, Dunn & Crutcher, 1050 Connecticut Avenue, N.W., Washington, D.C. 20036-5306; Nee Fong Chin, Esq., Hamilton County Prosecutor, Civil Unit, 230 E. Ninth Street, Suite 4000, Cincinnati, OH 45202-2151; J. Rita McNeil, Cincinnati City Solicitor, 801 Plum Street, Cincinnati, Ohio 45202; Albert Slap, 20 Erie Avenue, Glendale OH 45246; and J. Steve Justice, Esq., Taft, Stettinius & Hollister LLP, 1800 Firststar Tower, 425 Walnut Street, Cincinnati, OH 45202-3957.

s/Donetta D. Wiethe  
DONETTA D. WIETHE (0028212)  
Assistant United States Attorney